

Jay G. Foy, Mayor
James Woods, Vice Mayor
Jerry E. Beavers, Council Member
Lawrence Gordon, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ July 11, 2013
7:00 p.m.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the June 27, 2013 regular meeting
- VI. PROCLAMATIONS AND PRESENTATION**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Park Lane and Cyprus Lane – Road Resurfacing Project
 - b. Review and discuss proposed budget for 2013/2014 fiscal year
 - c. Resolution R2013-02; A Resolution of the Town Council of the Town of Haverhill, Florida tentatively establishing a millage rate for the 2013 - 2014 Fiscal year; setting the required public hearings and providing an effective date
 - d. Resolution R2013-03; A Resolution of the Town Council of the Town of Haverhill adopting a preliminary non ad valorem special assessment for the residential properties lying within the municipal boundaries of the Town of Haverhill as more particularly described in Exhibit A attached hereto to fund solid waste collection and disposal and related charges within the Town. Collecting such pursuant to the uniform method for the levy, collection and enforcement on non ad valorem assessments providing that such assessments shall constitute legal, valid and binding first liens upon property against which assessments are made until paid; providing for conflict; providing for severability; and providing for an effective date.
 - e. Approve the request of the Criminal Justice Commission for the allocation of FY 2014 (Federal Fiscal Year 2013) JAG funds to Palm Beach County in the amount of \$342,929.
- XI. REPORTS**
 - Town Attorney
 - Mayor
 - Town Administrator
 - Committee/Delegate Report
 - Treasurer's Report (included in packet)
- XII. UNFINISHED BUSINESS**
- XIII. NEW BUSINESS**
- XIV. ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ July 11, 2013
Official Minutes**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, July 11, 2013 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member; Lawrence Gordon Council Member and Mark C. Uptegraph, Council Member.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the Invocation and led the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members present with the exception of Town Attorney Foster. Neither Attorney Foster or Attorney Fuchs were available to attend the meeting, however, Attorney Foster would be available via cell phone should Council need to speak with him.

APPROVAL OF AGENDA

With no additions, deletions and/or substitutions, the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the June 27, 2013 Regular Council Meeting.

A motion was made by Council Member Uptegraph seconded by Vice Mayor Woods and unanimously passed (4-0) to approve the consent agenda as presented.

COMMENTS FROM THE PUBLIC

Terry McMahon., 5119 Club Road addressed the Town Council. He was present to express his appreciation to Joseph Roche, Director of Public Services for his assistance in resolving outstanding issues concerning Club Road drainage. He requested Council's budgetary consideration for a more permanent solution to the problem.

Joseph Roche addressed the Town Council and reported that he and the Town Engineer had addressed most of the problems concerning the Club Road ditch but there was still work to be done. He thanked Mr. McMahon for his comments and support and noted that he would be taking the necessary steps to cure the remaining issues.

PROCLAMATIONS AND PRESENTATION

Palm Beach County Commissioner Paulette Burdick was present. She commented that the County would be holding the first of their budget hearings the following week and that the County would be maintaining their current millage rate.

She noted as a County Commissioner she was working on priorities that included restoring public trust in the office. But, she added that her number one priority was to provide quality drinking water to the public. She congratulated Mayor Foy for having been appointed the District Engineer for Indian Trail Improvement District as well as serving in the capacity of consulting engineer for storm water issues. She looked forward to working with him on quality water matters.

She commented on the Town Council's logoed shirts, and noticing that Palm Beach County Sheriff's office was in the room, she extended appreciation to them for their efforts with the neighborhood watch programs in communities and trailer parks.

When asked if the Council had any issues to bring to her attention, Mayor Foy responded that he serves as a technical representative on the FEMA FIRM committee as well as an appointee to the Palm Beach County League of Cities technical review committee and he wanted Commissioner Burdick to know that the maps presented to the municipalities were wrong and needed to be corrected before being made public. If they were allowed to move forward as proposed, many residents will be forced to carry flood insurance costing them money that they should not have to pay. He expressed concern that the lead time given to the municipalities was not adequate to address the technical issues.

Mayor Foy reported that the 90 day review period would begin September 1, 2013 and he was afraid that FEMA would not extend the time because of technical review. He noted there was a trust issue. He explained that FEMA believes they are spending too much money because of natural disasters and wants to shift the financial burden to homeowners, but homeowners should not be forced to carry insurance if it is not needed.

Mayor Foy then commented on his objection regarding the lawsuit settlement between the DEP, EPA and Earth Justice. Although he understood that the taking of the water supply from the L-8 canal was the only solution to settle the law suit, he was against the decision. Discussion followed and Commissioner Burdick noted that there were many private firms that were willing to build reservoirs and sell them to the 298 water control districts and that governance over that practice was needed. She expressed support that Mayor Foy served on the Water Resources Task Force. He agreed adding that the quarry was built to mine for roads and the money received should have been the difference but instead resulted in nothing more than a "money grab".

Regarding other issues, Mayor Foy asked Commissioner Burdick to please follow through with the Water Management District and hold them accountable for projects they were to complete, such as the STA east.

Council expressed their appreciation to Commissioner Burdick for her input and attendance at the meeting.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

It was reported that since June 27, 2013 there had been 13 case numbers assigned for the Town of Haverhill. There were 2 burglaries reported along with various calls for assaults, juvenile calls, and domestics. There were no trends or patterns in the calls.

The burglaries took place at 1105 Park Lane and 5334 Belvedere Road. Both burglaries were forced entries. Both break-ins were well organized. The property on Park Lane had held a yard sale the previous weekend and it was believed that the property was being watched. The homeowner had been gone for only one hour when the break in occurred.

Council expressed appreciation to Palm Beach County Sheriff's Department for being proactive within the Town.

Council Member Beavers commented that he no longer uses the traditional garage door opener that you keep in your car but instead uses a key chain remote opener.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Park Lane and Cyprus Lane – Road Resurfacing Project

Town Engineer Jeff Renault offered staff's report. The Town had been put on notice that the County would no longer maintain Park and Cyprus Lanes as the roads were within the Town's jurisdictional boundaries. Joseph Roche, Director of Public Services had met with Rick Volpe of Wynn and Sons and had been given a cost estimate of \$3,000 - \$5,000 per month to grade the roads.

The Town Engineer offered a brief history explaining that the area is in need of drainage improvements. In 2011, he had prepared a preliminary opinion of probable construction cost (POPCC) to complete the drainage improvements to include concrete valley gutters and swales and driveway turnouts and to resurface the road with 20' of new pavement. Presently the width of the roads are approximately 15' wide.

It was his recommendation that the Town resurface the road at an approximate 15' width that would take care of the immediate issue at hand, adding that those roads could later be adapted to accommodate the full drainage improvement project as recommended in his 2011 POPCC.

He had met with Wynn and Sons and presented the Town Council with a proposal for the recommended improvements in the amount of \$62,490.00. The estimate was in accordance with Wynn and Sons annual contract with Palm Beach County that the Town could "piggy back" from.

Discussion followed. Mayor Foy noted that the Town Attorney had raised questions and concerns including the narrowness of the roads, making it difficult for two vehicles to pass each other. He suggested Council give particular attention to Park Lane and Cyprus Lane at their intersections with Belvedere Road and Haverhill Road.

The current road standards were for a minimum width of 20' and Council Member Gordon expressed concern that Council was not meeting its own standards, regardless of whether the present road was less than required standards, the Town was making improvements. He suggested that Town Attorney look into this very closely. It would be fine as long as no one complains.

It was explained that the final phase of the project would meet the required standards, however, during this first phase, the road width would be less than 20'.

Vice Mayor Woods stated that although he agreed that this would be phase one of a project, he wanted complete confirmation that the project would be completed expeditiously. He noted that the Council had not followed through in the past. He also expressed concern that Park Lane could become a through street to Haverhill Road resulting in increased traffic.

Mr. Roche reported that the proposal included speed humps on both Park Lane and Cyprus Lane.

Town Engineer Renault assured the Town Council that the project could be phased, Phase 1 would include crown to grading, to allow for the flow of water into the ditches

Discussion followed and it was the general consensus of Council to maintain Council salaries at \$3,600 per year.

The amount of funds to be taken from reserves to balance the budget would depend on the proposed millage rate set by Council.

Resolution R2013-02; A Resolution of the Town Council of the Town of Haverhill, Florida tentatively establishing a millage rate for the 2013 - 2014 Fiscal year; setting the required public hearings and providing an effective date.

The Town Administrator reminded all that once the tentative millage rate was set, it could not be increased.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to set the tentative millage rate at 4.250 mills.

Council Member Gordon commented that it would be his preference that the millage remain at 4.000.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to adopt Resolution R2013-02 tentatively establishing the millage rate at 4.250 for the 2013 -2014 fiscal year.

Resolution R2013-03; A Resolution of the Town Council of the Town of Haverhill adopting a preliminary non ad valorem special assessment for the residential properties lying within the municipal boundaries of the Town of Haverhill as more particularly described in Exhibit A attached hereto to fund solid waste collection and disposal and related charges within the Town. Collecting such pursuant to the uniform method for the levy, collection and enforcement on non ad valorem assessments providing that such assessments shall constitute legal, valid and binding first liens upon property against which assessments are made until paid; providing for conflict; providing for severability; and providing for an effective date.

The Town Administrator presented Staff's report. It was her recommendation that the non ad valorem assessment fee remain at \$171.00 per unit <5 for the 2013/2014 fiscal year.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed to adopt Resolution 2013-03 setting the preliminary non ad valorem assessment in the amount of \$171.00 per residential unit (<5 units) for the 2013/2014 fiscal year.

Approve the request of the Criminal Justice Commission for the allocation of FY 2014 (Federal Fiscal Year 2013) JAG funds to Palm Beach County in the amount of \$342,929.

The Town Administrator offered staff's report. She reminded Council that this matter comes before them annually.

A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed to approve the request of the

Criminal Justice Commission for the allocation of FY 2014 (Federal Fiscal Year 2013) JAG funds to Palm Beach County in the amount of \$342,929.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy reviewed the letter he had prepared commenting on the FEMA FIRM maps. He reported on the Palm Beach County League of Cities technical review committee meetings held.

It was announced the Palm Springs would not be continuing enforcement of their red light camera program.

Town Administrator

The Town Administrator reported that Lake Worth Drainage District had held an information meeting with the residents affected by their L-4 Canal Rehabilitation Program on July 10, 2013 at the Town Hall. The meeting had been well attended.

Committee/Delegate Report

Council Member Beavers reported that 29 persons had attended the Palm Beach County League of Cities District II and III luncheon held in Atlantis the previous day. Discussion amongst those present included Sober houses, FEMA flood maps, Fire Rescue Advisory Board, quiet zones at railroad crossings, beach erosion, SWA and Wellington's fist unanimous vote since March.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

The Town Administrator reported that construction on the Belvedere turn lane at Haverhill Road had commenced and that she had been in communication with Palm Beach County regarding the ownership of Grove Street and Durham Street and the allocation of road tax dollars resulting from same.


NEW BUSINESS

None.


ADJOURNMENT

There being no further business to come before the Town Council, the meeting adjourned at 9:00 p.m.

Approved: August 8, 2013



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor